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Insecticides and Fungicides

INSECTICIDE AND FUNGICIDE LAW OF MARYLAND

(In effect January 1, 1940)

Inspection and Regulatory Service
Maryland State Board of Agriculture
College Park, Maryland

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Insecticide and Fungicide Law of Maryland

In Effect January 1, 1940

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That seven new sections be, and the same are hereby added to Article 48 of the Annotated Code of Maryland (1924 Edition), title "Inspections," to be under subtitle "Insecticides and Fungicides," said new sections to be known as Sections 150A-105G, and to follow immediately after Section 105 of said Article, and to read as follows:

105A. Definitions. Certain terms appearing in this sub-title shall be defined as follows:

(a) The term "person" shall include any individual, firm, corporation, partnership, association, trust, joint stock company or unincorporated organization.

(b) The term "insecticide or fungicide" shall be construed to mean and include any and all substances intended for agricultural use in preventing, destroying, repelling or mitigating insects, rodents, fungi, bacteria, weeds or other pests, but to exclude drugs, poisons, chemicals or other preparations sold or intended for medicinal or toilet purposes or for use in the arts or sciences.

(c) The term "professed standard of quality" shall be construed to mean either a statement of the name and percentage of each active ingredient together with the total percentage of all inert ingredients contained in an insecticide or fungicide, or, in lieu thereof, a statement of the name and percentage of each inert ingredient together with the total percentage of all active ingredients contained in an insecticide or fungicide.

(d) The term "adulterated" shall apply to any insecticide or fungicide, the strength of purity of which falls below its professed standard of quality.

(e) The term "misbranded" shall apply to any insecticide or fungicide, the package or label of which shall bear any statement regarding such article or its ingredients which does not conform to the requirements of this sub-title.

(f) The term "registrant" shall apply to the person registering an insecticide or fungicide pursuant to the provisions of Section 105C.

105B. Sale. It shall be unlawful for any person to deliver, distribute, sell, expose, or offer for sale, either at wholesale or retail within this State:

(a) Any insecticide or fungicide unless the same shall be enclosed in the registrant's or the manufacturer's original unbroken container or package to each of which is affixed a label bearing: (1) the name and address of the manufacturer, registrant, or person for whom manufactured; (2) the name, brand, or trademark under which said article is sold; (3) its professed standard of quality; and (4) the net weight or measure of the contents.

(b) Any insecticide or fungicide which contains arsenic, any of its combinations, or any other substance or substances highly toxic to man, unless the same shall be enclosed in the original unbroken container of the manufacturer, registrant, or person for whom manufactured, to which is affixed a label bearing in addition to the foregoing: (5) the skull and crossbones; (6) the word "poison" in red on a background of distinctly contrasting color; and (7) an antidote therefor.

(c) Any insecticide or fungicide, the contents of which do not conform to its professed standard of quality.

(d) Any insecticide or fungicide or any material represented to be an insecticide or fungicide which has not been registered pursuant to the provision of Section 105C.

105C. Registration. Every insecticide or fungicide manufactured, compounded, delivered, distributed, sold, offered or exposed for sale, either at wholesale or retail within this State shall be registered each year by its manufacturer, or some distributor thereof, with the State Board of Agriculture of this State by filing with said State Board of Agriculture a statement of (1) the name and address of the registrant; (2) the name, brand or trade-mark of the insecticide or fungicide registered, and (3) the matter to appear upon its labels. Every registrant shall pay a fee of $5.00 for each brand of insecticide or fungicide, accompanying each registration statement in the calendar year beginning January 1, but in any event no registrant shall be required to pay more than seventy-five dollars as fees in any one calendar year, regardless of the number of brands of insecticides or fungicides registered, said fees to constitute a fund for the payment of the cost of the inspections, sampling, analysis and other expenses incident to the enforcement of this sub-title.

105D. Enforcement. The provisions of this sub-title shall be enforced and administered by the State Board of Agriculture of this State, which is hereby authorized and empowered (1) to register insecticides or fungicides manufactured, compounded, delivered, distributed, sold, offered or exposed for sale, either at

wholesale or retail, within this State; (2) to collect labels and samples thereof for analysis, examination or test by existing agencies of this State; and if it shall appear upon such examination that any insecticide or fungicide is adulterated or misbranded within the meaning of this sub-title, the Chairman of the State Board of Agriculture shall cause notice thereof to be given to its registrant. Any person so notified shall be given an opportunity to be heard at a designated time and place; and, if it appears that any of the provisions of this sub-title have been violated, the Chairman of the State Board of Agriculture may cause the certification of such fact to the proper State's Attorney with a copy of the results of analysis, examination or test as made by the analyst, examiner, or expert under oath, which may be published under the directions of the State Board of Agriculture; (3) to promulgate such rules and regulations in conformity with this sub-title as may be necessary for its administration. A copy of such rules or regulations shall be mailed to every person registering an insecticide or fungicide under Section 105C.

105E. Exemptions. The provisions of this sub-title prohibiting delivery and distribution of any insecticide or fungicide shall not apply to transactions of (1) manufacturers, processors or packers which relate to improvement, production and preparation of said commodities for lawful sale within the meaning of this sub-title; (2) common or private carriers and warehousemen while engaged in lawfully transporting and storing insecticide or fungicide; (3) public officers while engaged in the performance of their official duties, or (4) any employee of any of the foregoing while acting within the scope of his employment.

105F. Penalties. Any person violating any provision of this sub-title shall, upon conviction, be fined not more than $25.00 for the first offense, nor more than $100.00 for any subsequent offense.

105G. Separability. If any provision of this sub-title, or the application thereof to any person or circumstance, is held invalid, the remainder of the sub-title, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

SEC. 2. *And be it further enacted,* That all laws or parts of laws inconsistent with this Act be and they are hereby repealed to the extent of such inconsistency.

SEC. 3. *And be it further enacted,* That this Act shall take effect January 1, 1940.